

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RE: DAVID, KAY and THOMAS SIEVERDING,
Petitioners.

OPINION
AND
ORDER

08-cv-0324-bbc

Petitioners David, Kay and Thomas Sieverding filed this petition on June 4, 2008, and paid the filing fee. Pursuant to Fed. R. Civ. P. 12(h)(3), I have reviewed petitioner's petition to determine whether this court has subject matter jurisdiction over their claim. Petitioners are petitioning this court to declare invalid a judgment for attorney fees that was entered against them in the United States District Court for the District of Colorado.

As I previously advised petitioners in Case No. 08-cv-252-bbc, litigants in federal court who are unhappy with a district judge's decision have one course of action only. Pursuant to 28 U.S.C. § 1291, they may appeal a final decision of a district judge to the United States Court of Appeals for that district. If the court of appeals does not afford the litigants the relief they seek, they may petition for certiorari in the United States Supreme Court. That is the last stop. They cannot start again in a new district court hoping for a

better result. This court lacks the authority to consider petitioner's petition.

Petitioners have also filed motions for oral hearing and jury trial which will be denied as moot. I also note that petitioners have filed a motion for an ECF account. Local Rule 5, Filing and Service by Electronic Means, provides that papers should be filed electronically as required by the Court's Administrative Procedures for Electronic Filing and Service. These procedures (§ V. A.) provide that pro se parties must file conventionally all original, signed paper documents. Therefore, I will deny petitioners' motion for an ECF account.

ORDER

IT IS ORDERED that petitioners David, Kay and Thomas Sieverding's petition is DISMISSED on the court's own motion for lack of subject matter jurisdiction. The Clerk of Court is directed to enter judgment against plaintiff and close this case.

IT IS FURTHER ORDERED that petitioners' motion for an ECF account is DENIED and petitioners' motions for oral hearing and jury trial are DENIED as moot.

Entered this 17th day of June, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge